

Election

The Applicant, through its representatives and attorneys, hereby provisionally elects, WITH traverse, the invention of the alleged **Species I**, having all claims present readable thereon.

Traversal

For the reasons provided hereinbelow, the Restriction Requirement made within the Office Action mailed on May 16, 2007 is respectfully traversed.

The above-identified application is an application under 35 U.S.C. §371

The above-identified application was filed under 35 U.S.C. §371 and 37 C.F.R. §§1.494 or 1.495, being based upon international application No. PCT/JP2003/016865 having an International filing date of December 26, 2003. Accordingly, M.P.E.P. §1893.03(d) provides that the principles of unity of invention are used to determine the types of claimed subject matter and the combinations of claims to different categories of invention that are permitted to be included in a single international or national stage patent application.

Unity of invention, not restriction practice, is applicable in international applications and in national stage (filed under 35 U.S.C. §371) applications. However, the Restriction Requirement made by the Examiner in the Office Action of May 16, 2007 is based upon 35 U.S.C. §121 and not under the principles of unity of invention. Accordingly, the Restriction Requirement is improper at least for this reason.

When making a lack of unity of invention requirement, the examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group. M.P.E.P. §1893.03(d).

However, the Restriction Requirement of May 16, 2007 fails to either (1) list the different groups of claims or (2) explain why each group lacks unity with each other group.

Thus, the Restriction Requirement is improper at least for this reason.

Withdrawal of this Restriction Requirement and examination of all pending claims is respectfully requested. An early Action on the merits of this application is additionally respectfully requested.

Extensions of time

Please treat any concurrent or future reply, requiring a petition for an extension of time under 37 C.F.R. §1.136, as incorporating a petition for extension of time for the appropriate length of time.

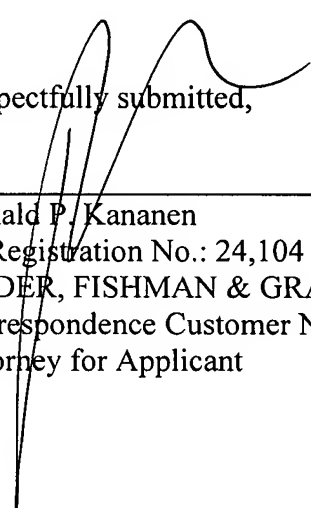
Fees

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753.

Dated: June 14, 2007

Respectfully submitted,

By 

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